

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ROCHESTER EUGENE PRESLEY, # 113082

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:16cv274-LG-RHW

**MARSHALL TURNER, JARITA BIVENS, and
MRS. CSASZAR**

DEFENDANTS

ORDER

Pro se Plaintiff Rochester Eugene Presley is incarcerated at the South Mississippi Correctional Institution, and he brings this Complaint challenging the conditions of his confinement pursuant to 42 U.S.C. § 1983. The named Defendants are **Marshall Turner, Jarita Bivens, and Mrs. Csaszar**. Plaintiff was granted permission to proceed *in forma pauperis*. After liberal review of Plaintiff's Complaint [1], Memorandum in Support [2], and Response [10], it is hereby,

ORDERED:

1. That the Clerk of Court is directed to issue a *Notice of Lawsuit and Request to Waive Service of a Summons* for Defendants Marshall Turner, Jarita Bivens, and Mrs. Csaszar. The Clerk is directed to attach a copy of this Order to a copy of the Complaint [1], Memorandum in Support [2], Response [10], the issued *Notice*, and the *Waiver of the Service of Summons* form and send them via first class mail to Janis G. Stancil, Mississippi Department of Corrections, 633 North State Street, Jackson, Mississippi 39202. Defendants are directed to file a signed *Waiver* form or a Response, within 30 days.

If counsel is receiving this Order and is unable to execute a *Waiver* for a Defendant because the Defendant is not employed by the entity that counsel represents or because, after due diligence, counsel is unable to identify the Defendant from the *Notice* and Complaint, a Response should be filed. The Response, from counsel, should contain the name of the Defendant and, if previously employed, by the entity counsel represents, the Response should contain the Defendant's last known address. If the Response contains a last known address it is directed to be filed under seal.

2. That Defendants shall file their answers or other responsive pleadings in this cause in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

3. That as provided for in the Federal Rules of Civil Procedure, discovery is stayed until further order of this Court.

4. That subpoenas shall not be issued except by order of the Court. The United States District Clerk shall not issue subpoenas upon request of the *pro se* litigant, but shall instead forward the request to the Magistrate Judge assigned to this cause for review. Plaintiff shall submit all requests for the issuance of subpoenas to the Magistrate Judge's office for review.

Plaintiff should understand that this Order allowing process to issue against the above named Defendants does not reflect any opinion of this Court that the claims contained in the Complaint will or will not be determined to be meritorious.

It is Plaintiff's responsibility to prosecute this case. Failure to advise this Court of a change of address or failure to comply with any Order of this Court will be deemed as a purposeful delay and contumacious act by Plaintiff and may result in the dismissal of this case.

SO ORDERED this the 26th day of September, 2016.

s/ Robert H. Walker
UNITED STATES MAGISTRATE JUDGE